

IN THE COURT OF APPEALS OF MARYLAND
AMENDING ADMINISTRATIVE ORDER PERTAINING TO THE EVACUATION AND/OR
CLOSING OF COURTS AND JUDICIARY OFFICES DUE TO EMERGENCIES

WHEREAS, pursuant to Md. Const. Art. IV, § 18 and Maryland Rules 16-106a and 16-304, the Chief Judge of the Court of Appeals is empowered to close the courts and the offices of clerks of circuit courts in the event of an emergency; and

WHEREAS, it is necessary to delegate authority to evacuate and/or close courts and clerks' offices in instances of emergency conditions; and

WHEREAS, emergency conditions can necessitate the evacuation and/or closing of one or more courts or Judiciary offices and that it is appropriate that the same procedures govern all closings; and

WHEREAS, there is a need for the coordination and reporting of evacuations and/or closings;

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution and Maryland Rules 16-106a and 16-304, do this 21st day of November 2001, effective immediately, amend the Administrative Order dated December 21, 1999, as follows:

1. Authority.

a. A decision to evacuate and/or close a court, the office of a clerk of court, or a court-related agency, or other judiciary office as a result of an emergency condition, is to be made as follows:

(1) by the Chief Judge of the Court of Appeals as to an emergency condition or threat affecting the entire judiciary statewide;

(2) by the Chief Judge of the Court of Appeals as to: the Court of Appeals and its Clerk's office; the office of the Clerk of the Court of Special Appeals when the Court is not in session; the Administrative Office of the Courts; the Court Information Office; the State Law Library; the Mediation and Conflict Resolution Office, the Attorney Grievance Commission, the Commission on Judicial Disabilities, the Standing Committee on Rules of Practice and Procedure, and the State Board of Law Examiners; and other personnel of the Judiciary not otherwise covered by this Order;

(3) by the Chief Judge of the Court of Special Appeals as to the Court of Special Appeals and, when the Court is in session, its Clerk's office;

(4) by a Circuit Administrative Judge as to Circuit Courts, and their Clerks' offices, within the Judge's Circuit;

(5) by the Chief Judge of the District Court as to District Court Headquarters; and

(6) by a District Administrative Judge as to a District Court location(s) and supporting facilities and personnel within the Judge's District.

b. The authority under this paragraph shall be exercised, when possible, in consultation with the Chief Judge of the Court of Appeals or the Chief Judge's designee.

2. Considerations. A court, office or agency is to be evacuated and/or closed only in the case of conditions of such a nature that the welfare or safety of citizens and of court staff would be endangered seriously were the court, office or agency not evacuated and/or closed. In making this decision, a judge is to be mindful of the fact that the courts labor under a heavy burden of cases and that it can be seriously disruptive to litigants, witnesses, victims, and others if a court or clerk's office is evacuated and/or closed unnecessarily, and every effort should be made not to close a court or office unless absolutely essential to do so. Furthermore, even if jurors are excused from duty because of an emergency, a judge should decide separately whether non-jury courts should be closed and whether judges and other court personnel should be released from duty.

3. Coordination Among Trial Courts.

a. To the extent that an emergency affects both trial courts in a geographical area, every effort should be made to coordinate evacuations and/or closings of the circuit and district courts in that area. In an emergency situation, each circuit or district administrative judge contemplating an evacuation and/or closing is directed to communicate with every appropriate circuit or district administrative judge to effect such coordination. Whenever possible, joint decisions should be made and announcements given to the media dealing with all trial courts and clerks' office in an affected area.

b. A circuit administrative judge preparing to close a court due to an emergency condition that may affect more than one court in the circuit first should communicate with each affected county administrative judge within the respective circuit and should ask the county administrative judge to discuss closing with the clerk of the circuit court for the county. There may be instances involving emergencies when the judge may not be able to communicate fully.

c. A district administrative judge preparing to close a court due to an emergency condition that may affect more than one court first should communicate first with each affected judge sitting as a District Court in the district. There may be instances involving emergencies when the judge may not be able to communicate fully.

4. Coordination among Appellate Courts, Court Related Agencies, the Administrative Office of the Courts and the District Court Headquarters. To the extent that an emergency affects a Judicial Branch unit other than a trial court, every effort should be made to coordinate evacuations and/or closings with other units in the affected geographic area, and each Chief Judge contemplating such action is expected to communicate with the other judges who might be considering an evacuation/closing in the area. Whenever possible, decisions should be made and announcements given to the media dealing with all of the affected courts, clerks' offices and agencies.

5. Notice; Order. So that there will be a central source of information with respect to which courts, offices and agencies are operational, all decisions to evacuate and/or close shall be communicated to the Administrative Office of the Courts and Court Information Office initially by calling the Judiciary's message center at (410) 260-1390. After the emergency has ended, all evacuations and/or closings shall be documented (sample form for such purposes are attached).

6. Retention of Orders. The State Court Administrator shall forward to the Clerk of the Court of Appeals copies of orders related to closings under paragraph 5 of this Order, for retention.

/s/ Robert M. Bell

Robert M. Bell
Chief Judge

Filed: November 21, 2001

/s/ Alexander L. Cummings

Alexander L. Cummings
Clerk
Court of Appeals of Maryland

ADMINISTRATIVE ORDER

Pursuant to the Administrative Order pertaining to the Evacuation and/or Closing of Courts and Judiciary Offices Due to Emergencies, dated November 21, 2001, it was directed on

_____ (date) that because of an emergency condition, to wit: _____, and after

requisite consultations, the ☐ Courts of Appeal Building, ☐ Maryland Judicial Center, ☐ Annapolis Complex,

☐ Circuit Court for _____ ☐ District Court in _____ was:

☐ evacuated at _____ o'clock am/pm and returned to operation at _____ o'clock am/pm

☐ closed at _____ am/pm /for the remainder of the day

☐ closed for the day

Chief Judge/Administrative Judge

cc: State Court Administrator
Court Information Office